

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Robert Scott Harris
Plaintiff

FILED

vs

DONLEY'S INC.
Defendant

JUL 20 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Case number

1823 CV 01400
JUDGE GAUGHAN
MAG JUDGE ARMSTRONG

Petition for Jury Trial as a
42 U.S.C. 1983 Civil Complaint

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

a. The Plaintiff

Robert Scott Harris
88 Fox Lane
Rural Route 6
Chardon, Ohio, United States of America

For purposes of mail only:
IN CARE OF:
P.O. Box 3733
Chardon, OH, 44024

b. The Defendant

DONLEY'S INC.
5430 Warner Road
Cleveland, OH 44125, United States

II. Basis for Jurisdiction

28 U.S.C. 1331 as both a federal question and diversity of citizenship

1. A Federal Question:

In this matter, was the usage of the Plaintiff's individual social security number, on a withholding certificate, as W-4 FORM: "voluntary" or "mandatory"?

Asked pursuant to: United States Public Law 93-579, 88 Stat. (1974) as codified at 5 U.S.C. 552a sections 2 (a) (4) as a protection of private rights secured by the Constitution, 3 (e) agency requirements regarding records usage and maintenance and 3(e)(A through D) and 5 U.S.C. 552a Section 7 note.

2. Diversity of Citizenship:

a. In this matter, The Plaintiff, Robert Scott Harris, is an individual, a Citizen of Ohio, a de jure state, individual State: without the United States jurisdiction. And he was not a citizen or resident as, a "subject" of the United States and or State of Ohio jurisdictions, for any years from 2009-present.

In this matter, he did not: own or operate nor employee himself as a domestic or foreign trade or business, as a small business of the State of Ohio within the jurisdiction of the United States under the fictitious, individual name: Robert S. Harris.

b. The Defendant, Donley's Inc., is an incorporated entity: operating a trade or business, in multiple states of the United States interstate commercial jurisdiction, as a "subject" of and under the laws of the United States and its State of Ohio and has its principal place of business in the State of Ohio. And acting withholding agent/agency under the United States legislative and executive branch powers and authority. 5 U.S.C. 552a (a), 5 U.S.C 551e and 5 U.S.C. 551 (1) and 26 U.S.C. 7701(a)(16).

c. The amount in controversy is more than \$75,000.00, not counting interest and costs of court because of losses caused to the Plaintiff, by the actions of the Defendant, which were in violation of federal United States Law and Legislation and inherent, unalienable rights secured by the Federal Constitution.

III. Statement of Claim:

The Defendant acted negligently, in this matter, in demanding usage of a "withholding certificate" as an "employee" W-4 form, with usage of the social security account number records of Robert Harris as identification. And, the Defendant admitted on the records of this Court, case number 1:22CV1906 it demanded: The Plaintiff's usage of the "withholding certificate" as an "employee" W-4 form with usage of his social security account number and performed United States income tax collection acts, by usage of said form pursuant to U.S.C. 26-3403. As at the time of the demanded usage, the Defendant failed to comply with its

requirements under 5 U.S.C. 552a section 3(e)(A through D) with section 7 note. Pursuant to material facts, in this matter:

- 1.) The demand made by the Defendant, of the Plaintiff, lacked full disclosure of material facts, as the Defendant never provided written notice to the Plaintiff in answer of the "Federal Question," and,
- 2.) The Plaintiff unknowingly had rights to refuse said demand because the Plaintiff's response to said demand was not mandatory, but was in fact voluntary, and,
- 3.) The Defendant cannot prove, by evidentiary records, said demand was mandatory under law and legislation of the United States. The Plaintiff has requested said evidentiary records, but the Defendant acquiesced by silence to said requests. Any attempts by the Plaintiff to obtain any evidentiary records, from the Defendant, in the defense of the Defendant, has been in vain.

By said negligent act of the Defendant, it caused injury and losses to the Plaintiff and his family. By said action the Defendant made false allegations and claims of its own self and the Plaintiff. And it, the Defendant, created liabilities, for its own self and the Plaintiff, which did not exist in fact pursuant and under the law and legislation for the United States.

Said negligence as claims and creations, in this matter, are:

1. Claiming the existence of an "employee" named Robert S. Harris and demanding usage of said "individual" social security number records, for purposes of creating:
 - a. a right to demand completion of an "employee" withholding certificate as a W-4 form, and,
 - b. a "subject" of income tax withholding jurisdiction of U.S.C. 26-3403. And,
2. Claiming a "legal" "employee-employer relationship" between the Defendant and the Plaintiff, and,
3. Created a Defendant "employer" tax liability for itself, by claiming the Plaintiff to be its "employee", and,
4. Created income tax liability for the Plaintiff, and,
5. Created a Defendant liability, to provide remedy to the Plaintiff for losses of his "individual" rights, benefits, and privileges and injury to the Plaintiff and his family, for injury caused by such losses.

The only requirement of the Defendant prior to its demand for usage of said W-4 form, with the Plaintiff's "individual" social security account identification number, was to: comply and fulfill the mandate of 5 U.S.C. 552a section 3(e) (A through D) and section 7 note.

The Defendant's acts, are:

under quasi color of law jurisdiction,
under its own company policy enforcement and,
not pursuant to law and legislation of the United States.

By use of said jurisdiction against the Plaintiff, the Defendant is now liable to the Plaintiff, for the adverse effects of its actions and corporate policy decisions.

IV. Relief

The relief petitioned to be granted by the Court is Thirty Million Dollars (\$30,000,000). This amount is sought for purposes of losses caused to the Plaintiff, by negligence of the Defendant:

- a. Actual damages for remuneration of labor, in the amount of Two Hundred Thousand Dollars (\$200,000.00), and to date unpaid, and
- b. Punitive damages and exemplary damages, in the amount of Twenty-Nine Million Eight Hundred Thousand Dollars (\$29,800,000.00), for losses of liberties and pursuit of happiness as: major parts of the Plaintiff's life, health and well-being and of that of his family. And for costs required of the Plaintiff, in his attempts to obtain, the answer to the question, herein asked, as that answer is mandated by Law and Legislation of the United States.

United States Code Title 5 referenced above, mandates an actor, as a requester, state or federal, making use of a social security account number and its records to answer, the question: is usage of an individual's social security account number and records, "voluntary" or "mandatory" and by what law or statute said number is requested and made use of, for the purposes of the requester. The law also requires individual personal records to be maintained by the requester. For persons, as such requesters, who normally make usage of "withholding certificates" W-4 forms, bearing social security account numbers, of individuals, which they claim to be "employees"; it would be mandatory for them to know, if said "withholding certificate" was being used in compliance with laws and or legislation of the United States and to be able to fully disclose to the individual, the answer to said question. And to have maintained official personal records of said individual, to be released to said individual, upon request by said individual.

disclose to the individual, the answer to said question. And to have maintained official personal records of said individual, to be released to said individual, upon request by said individual. As such records and their usage are mandated by specific requirements of law and legislation of the United States, it would be extremely negligent for said requester, to demand usage of a "withholding certificate" as a W-4 form and require the social security account number of an individual, on said form and not know the answer to the federal question, referenced above. And when an individual, as the Plaintiff, diligently seeks that answer from the requester, for numerous tax years and only receives silence as a response: it would be assumed by, any rational thinking mind, said silence would be proof of negligence and/or misrepresentation, a scheme and or cover-up of material facts.

Maxim of law: when under Law or Legislation a person has a duty to speak and refuses, said silence is evidence of fraud.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this Complaint:

- (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and,
- (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Signed this 20th day of July, 2023,


Robert Scott Harris
Sui Juris

CERTIFICATE OF SERVICE

DATE: July 20, 2023

TO: CERTIFIED MAIL NO. 7022 2410 0001 6627 7641
Mac Donley, Chief Executive Officer
DONLEY'S INC.
5430 Warner Road
Cleveland, Ohio 44125

RE: Robert Scott Harris vs. DONLEY'S INC.
United States District Court

FROM: Robert Scott Harris
FOR UNITED STATES POST OFFICE, MAIL PURPOSES ONLY
P.O. Box 373
Chardon, Ohio 44024

I, Robert Scott Harris, certify that I have served this date, July 20, 2023, via the above-referenced USPS CERTIFIED MAIL NUMBER, a time-stamped copy of COMPLAINT FOR A CIVIL CASE, with this CERTIFICATE OF SERVICE, filed today, to Mac Donley, Chief Executive Officer, DONLEY'S INC., 5430 Warner Road, Cleveland, Ohio 44125.



Robert Scott Harris